



# RAVALLI COUNTY SUBDIVISION REGULATIONS

## CITIZEN'S GUIDE

**For Information Contact:**  
Ravalli County Planning Department  
215 S. 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840  
(406) 375-6530  
Fax (406) 375-6531

## **Preface**

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In 1973 the Montana Legislature passed the Subdivision and Platting Act, (Title 76, Chapter 3, MCA) which requires local jurisdictions to adopt and enforce local subdivision regulations. Ravalli County has had subdivision regulations since that time and the regulations currently in effect were adopted January 31, 2000. They describe the procedures and requirements necessary to create a subdivision. They were adopted to ensure that the subdivision is in the public interest and that the negative effects are adequately addressed through the public review process.

This guide is intended to provide a “snapshot” of the subdivision process, some of the requirements, and some things to think about when considering subdividing. This document provides important information for both the person contemplating doing a subdivision and their surrounding neighbors. To have a complete understanding, please refer to the Ravalli County Subdivision Regulations. You may purchase a copy of the Subdivision Regulations from the Ravalli County Planning Department. A copy of the Subdivision Regulations is also available for review in the Planning Department.

## **Types of Subdivision**

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Subdivisions by definition include all land divisions that create parcels less than 160 acres. Also included in this definition are mobile home parks, recreational vehicle parks, and certain condominiums.

Subdivisions are divided into several categories based on the number of lots/spaces being created.

- Major subdivision - contains six or more lots/spaces.
- Minor subdivision - contains five or fewer lots/spaces.
- Expedited minor subdivision - a low-impact subdivision that meets each of the following criteria:
  - No more than two lots/spaces are created;
  - Each of the lots/spaces access directly onto a county maintained road or each lot/space accesses onto a private road, which meets county road standards and is subject to a formal road maintenance agreement;
  - The lots/spaces will only be used for residential purposes;
  - The proposal is consistent with all provisions of the Subdivision Regulations; and
  - The proposal does not pose significant issues concerning the public health, safety or welfare.
- The Subdivision Exemption is another category that involves a change in a property boundary, but does not require the entire subdivision review process. A Subdivision Exemption Application and a map showing the proposal must be submitted to the Planning Department along with the \$200.00 fee. These are reviewed by the Planning Department and County Commissioners. Some examples of subdivision exemptions include:
  - Family Transfers- A division of land for the purpose of a single gift or sale to each member of a landowner's immediate family. This does not include step-children.
  - Agricultural Exemption- Splitting off a piece of land for agricultural use only.
  - Relocation of a Common Boundary- Relocating a common boundary(ies) between adjoining parcels, but no additional parcels are created.

The type of subdivision proposed will dictate the type of review that is required, the application fees and some of the development standards, especially road standards.

## **The Subdivision Process**

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The process to create a subdivision involves a number of steps. Each of which are dependent on each other. Although the process is rather straightforward, it may be necessary for the subdivider to modify the proposal based on results from any or all of the steps. From the very beginning to the final decision of the County, it is a process of discovery for everyone involved.

### **Step 1. Preliminary Investigations**

The first step before even beginning the process of creating a subdivision, and a very important one, is to go to the County Clerk & Recorder's Office, Administrative Building, 215 S. 4<sup>th</sup> Street, to check if there are any covenants or Voluntary Zoning Districts placed on the property to be subdivided. The next step is to get a site evaluation done from the Environmental Health Department, also in the Administrative Building, to find out the feasibility of septic systems and wells. If there is a problem in either of these two areas, continuing with the subdivision process may not be possible. If there are no restrictions on the property and the site evaluation is good, then the Planning Department is the next step to speak with a Planner.

Given the technical nature of creating a subdivision, the subdivider will normally hire one or more consultants to assist in the process. Consultants who are familiar with the requirements can be a valuable asset. The Yellow Pages in your phone book has many surveyors and consultants listed that have submitted proposals to the County. You may wish to call several consultants and compare their expertise, fees, and availability.

The success of most projects depends on this first step. Below are a number of questions that will help refine a proposal and perhaps suggest whether a project will work.

- ☐ Will the subdivision be served by a public water and waste water system or by individual systems on each of the lots?
- ☐ Are there any constraints (soil types, high groundwater, etc.), which might limit the use of septic systems?
- ☐ Is there enough groundwater to support domestic wells?
- ☐ How deep will the wells need to be? (Typical cost is \$22.00 per foot.)
- ☐ Will the subject property be able to support the number of septic systems and wells that may be proposed?
- ☐ Are the lot sizes consistent with covenants, if any?
- ☐ Are the lot sizes consistent with zoning regulations, if any?
- ☐ Is there legal access to the property?
- ☐ Does the land pose any constraints for development (slopes, wetlands, wildlife habitat, etc.)?
- ☐ Does the land pose any opportunities for development (views, natural amenities, etc.)
- ☐ Does the location of the proposed subdivision pose any constraints or opportunities? (distance to local services, proximity to parks, etc.)
- ☐ Is the subject property within a rural fire district? (this is mandatory)
- ☐ What is the area around the proposed subdivision like (land uses, lot sizes, etc.)?
- ☐ How much will it cost to put in the needed infrastructure inside and outside of the subdivision (roads, utilities, etc.)?
- ☐ How much will it cost to go through the process and get it surveyed?
- ☐ What is the target market?
- ☐ Is there a demand for the type of lots that would be created? Will that demand be there when the project is near completion? Is there variability in the product (various lot sizes) to adapt to a potentially dynamic market?

- ☐ What is the competitive standard in the desired target market?
- ☐ What amenities are people looking for?
- ☐ How quickly will the lots need to sell in order for the project to succeed (absorption rate)?
- ☐ Does the project financially work?

## **Step 2. Pre-Application Conference**

Once the subdivider determines that the project seems to have merit, he will then meet with the Planning Department staff to discuss the proposal *prior* to submitting application materials and application fees. A pre-application conference will help the Planning Department staff to become familiar with the proposal and will help the subdivider become familiar with the County's policies, regulations, and procedures. It also gives the staff an opportunity to identify issues and discuss possible ways to avoid, minimize, or mitigate negative effects.

## **Step 3. Submittal of a Subdivision Application**

Following the pre-application conference, the applicant submits a subdivision application to the Planning Department, along with the appropriate fee(s). The Planning Department then reviews the application for sufficiency.

## **Step 4. Public Review**

Once the application is deemed sufficient, the application is subject to a public review process. As part of this process, a letter is sent to all property owners, whose land adjoins the subject property, notifying them of the project and public notification signs are posted on the subject property by the subdivider.

The specific procedural requirements in this step depend on the type of subdivision (major, minor, expedited) that is being reviewed. Major and minor subdivision proposals are reviewed by the Planning Board. Major subdivisions are reviewed at two separate meetings -- the first is a preliminary presentation and the second is the formal public hearing. Minor subdivisions are reviewed at one meeting. Based on the proposal, the Planning Board will offer its recommendation to the Board of County Commissioners who makes the final decision. Expedited minor subdivisions go directly to the Board of County Commissioners for its review and decision. All proposals are reviewed using predefined criteria.

## **Step 5. Decision**

For major and minor subdivisions, based on the Planning Board's recommendation and all of the information collected during the review process, the Board of County Commissioners will make a decision to approve the subdivision or deny it. An appeal process allows the subdivider or an aggrieved party to contest that decision in District Court.

## **Step 6. Completion of Conditions**

If the subdivision is approved, the Board of County Commissioners, in their written decision will list the conditions, which must be met before a final survey can be filed. These conditions ensure that the subdivision will meet legal requirements and protect the public interest, natural resources and infrastructure from adverse impacts and avoid the unnecessary expenditure of tax dollars.

Depending on the subdivision, this list of conditions may be rather short or quite long. One requirement that applies to all subdivisions with lots less than 20 acres is that the Montana Department of Environmental Quality must review the proposal and determine whether it meets the sanitation standards.

Before beginning to build on any lot, a septic permit must be obtained from the Ravalli County Environmental Health Department.

Step 7. File Final Survey

When all of the conditions of an approval have been satisfied, the subdivider will submit a final survey, as prepared by a registered land surveyor, and verification that the conditions have been met. Once a final plat has been recorded with the Clerk & Recorder, the lots can be bought and sold.

Participants in the Subdivision Process

As you can see from the previous section, a wide variety of participants are part of the process. They can be divided into four general groups.

**Consumer:** The end product of a subdivision process is the creation of lots. Consequently, the consumer is a key component of any successful project. By understanding the needs of the consumers in general, and specifically the target market, a project is more likely to succeed.

**Subdivider:** Depending on the complexity and size of the project, the subdivider will need to enlist the expertise of different professionals. Just a few, or all of the following, may be part of the subdivider's team:

Financial Institution	Land Use Consultant
Professional Land Surveyor	Professional Engineer
Landscape Architect	Project Manager
Attorney	Real Estate Market Analyst
Real Estate Professionals	Environmental Specialists

**Public:** Members of the **general public** are important parts of the decision making process, in that subdivision decisions are not private agreements between a subdivider and County officials. A public process is necessary because subdivisions normally create impacts that are public concerns and can ultimately result in the expenditure of taxpayer dollars. Many issues related to traffic, wildlife, public services, irrigation water delivery, agricultural land, and others are discussed in public hearings before the Planning Board and the Board of County Commissioners before a final decision is reached.

**County Officials:** This group of people can be further divided into three groups.

- The **Board of County Commissioners**, consisting of three elected officials, makes the final decisions on land use issues. In making their decisions, the Commissioners consider the comments and recommendations of the Planning Department Staff, the Planning Board and comments from the general public, in reference to the effects a project has on the six review criteria.
- The **Planning Department staff** is authorized to implement the administrative provisions of the Subdivision Regulations. For each subdivision the staff reviews the application, visits the site, and prepares a written staff report. The staff report documents whether the proposal meets the local subdivision regulations and analyzes the effects of the subdivision relative to the review criteria. The staff works with the subdivider to ensure compliance and also works with those interested in a particular subdivision to answer their questions.
- The **Planning Board** is an 11- member volunteer body appointed by the Board of County Commissioners to review the Planning Department's reports and recommendations and then hold public meetings and provide these recommendations to the Board of County Commissioners, on major and minor subdivisions.

## Review Criteria

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The Planning Department staff's review, the Planning Board's recommendation, and the Board of County Commissioners' decision regarding an application is based on the following:

- Does the proposed subdivision meet the standards of the Ravalli County Subdivision Regulations and the Montana Subdivision and Platting Act?
- Is the proposal consistent with zoning regulations and covenants?
- Is the proposed subdivision in the public interest?

To determine whether the proposal would be in the public interest, the following criteria are used:

- **Effects on Agriculture:** Including effects on the agricultural sector, loss of agricultural ground, effects on surrounding agricultural activities.
- **Effects on Agricultural Water-User Facilities**
- **Effects on Local Services:** Including public road system, police and fire protection, utilities and public schools.
- **Effects on the Natural Environment:** Including groundwater contamination, riparian/wetland areas, soil erosion, vegetation and air pollution and noxious weeds.
- **Effects on Wildlife and Wildlife Habitat:** Including fisheries and mammals.
- **Effects on Public Health and Safety:** Including sanitary issues such as sewage disposal and groundwater contamination, police and fire protection, wildland fire hazard, traffic safety, and the presence of other known hazards (onsite and offsite) such as high-pressure natural gas lines, airports, railroads, overhead power lines, industrial activities, mining activities, irrigation ditches, and defined dam inundation areas.

Conditions will be imposed on a subdivision to mitigate its negative effects on the taxpayers and the community as a whole. Mitigation conditions may include changing the number or configuration of lots, realigning roads or easements, installing appropriate infrastructure, and other actions that are appropriate.

## About the Subdivision Application

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A subdivision application consists of a subdivision questionnaire, maps that show the location of the subdivision, and a preliminary plat map, which shows the subject property and the proposed layout of the lots. Depending on the proposal, it may also be necessary to submit an environmental assessment, a traffic impact analysis, an irrigation master plan, and other relevant information.

The application constitutes the subdivider's expressed preference for the development and the proposed mitigation measures to minimize the adverse impacts. A preliminary plat is the basis for subdivision review by the Planning Department, Planning Board and Board of County Commissioners.

## Lot Sizes

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Many factors enter in to answer the question: “How big do the lots have to be?” From a sanitation standpoint the lots need to meet the minimum requirements of the Montana Department of Environmental Quality. Below is a generalized table showing the types of water sources and sewage disposal systems, and the resulting minimum lot size.

### Sanitation Guidelines

<u>Type of Water Source</u>	<u>Type of Sewage Disposal</u>	<u>Minimum Lot Area</u>
Individual Well	Individual Septic	1 acre (43,560 sq. ft.)
Public Water	Individual Septic	20,000 square feet
Individual Well	Public Sewer	20,000 square feet
Public Water	Public Sewer	None specified

When a subdivision is subject to the restrictions of a voluntary zoning district, covenant, or deed restriction, lot sizes must conform to the applicable requirements if they are more restrictive than the sanitation requirements.

While the minimum lot size is often times established by regulation, the optimum lot size is a product of many factors, including environmental and economic concerns. Environmental considerations may include slope, streams, wetlands, soils, and wildlife habitat. Economic factors may include road location and length, infrastructure and utility costs, prevailing lot sizes in the area, and the real estate market.

Contrary to popular belief, more lots do not necessarily translate into more profit for the subdivider. If the lots are too small and too numerous in the project, lots may sell quickly at first, but as more homes are built in the subdivision, people can more readily visualize what the subdivision will look like when it is built-out, and lot sales can suffer.

From a financial stand point the last lots sold are where the profits come from, since the first lot sales will go to pay for the land, development costs, etc. Consequently, creating a high quality subdivision is important so that the last lots will sell and sell in the desired time frame.

## Addressing Consequences of a Subdivision

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Each and every subdivision has consequences for the parcel, adjoining properties, and the community at large. Some can be positive and some negative, some insignificant and others can be severe. When adverse impacts of a proposal have been identified during the preliminary investigations, the pre-application conference, or through the public review process, the subdivider should take steps to help identify potential ways to address them. There are three primary ways to address impacts, which should be used in order: Avoid, Minimize, Mitigate.



## Design and Development Standards

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To help avoid adverse impacts of subdivisions on the general public and on the surrounding landowners, the County has adopted minimum design and development standards.

**Design Standards** - Specific standards must be met for lot design and configuration, access, road alignment, etc.

**Development Standards** - Infrastructure improvements are generally required to be designed, installed, and paid for by the developer as a condition of subdivision approval. A professional Engineer or other qualified individual must certify in writing that the required improvements have been completed to County standards. Depending on the proposal, a subdivider may need to provide all or just a few of the following:

- **Roads** - New roads internal to a subdivision must be built to County standards and become the responsibility of the homeowners for maintenance when complete. Existing roads leading to and/or adjacent to the proposed subdivision may need to be upgraded and improved to handle the anticipated traffic generated by the subdivision. The road standards in terms of road width and construction requirements increase as the number of lots that the road serves increases- more lots means higher standards. Other requirements for road name signs, traffic control signs, and common driveway approaches are imposed when appropriate.
- **High Fire Hazard Areas** - If the subject property is located in a high fire hazard area, the subdivider will need to do some vegetation reduction and provide municipal water supply or on-site water storage of 2,500 gallons for each lot.
- **Fences** - If the subject project is located next to railroad tracks or if a major irrigation supply ditch is located within or adjacent to the subdivision, a fence may be required to provide a reasonable degree of safety for the people who will be living on the lots.
- **Irrigation Facilities** - If the subject property has irrigation water rights the subdivider will have to either remove the water rights from the property or design and install an irrigation delivery system to provide irrigation water to each of the lots. If the subdivision is in an irrigation district, the district will need to sign off on the irrigation plan.
- **Electricity and Telephone Service** - The subdivider must provide a service connection to each of the lots for electricity and telephone.
- **Water and Wastewater** - If the lots will not be served by an individual well and septic system, the subdivider must install a central water system and/or sewage disposal system. If an individual well and septic system are to be used, they must be designed to meet the minimum standards of the Montana Department of Environmental Quality. Typically, the homeowner and not the subdivider, installs and pays for these systems.
- **Mail Service** - A central mail box for all of the lots may be required if mail delivery will not be provided to each individual lot.
- **Fire Protection** - Each lot in the subdivision must be located within the boundaries of a fire district. A subdivision served by a municipal water system must include fire hydrants, the number and placement of which must be approved by the fire chief.
- **Storm Water Drainage** - Stormwater drainage facilities must be provided to prevent damage to the subdivision or to adjoining properties.
- **Noxious Weed Control** - The subdivider is responsible for ensuring that noxious weeds are controlled in the subdivision, especially on areas such as roadways.
- **Parks** - If the project is a major subdivision, the subdivider must either dedicate a portion of the subdivision for park purposes or contribute money to the County Park fund. A worksheet in Chapter 6 of the Subdivision Regulations can be used to determine if a dedication is required and if so, what

that amount would be.

## Application Fees

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In order that County taxpayers do not bear the full cost of reviewing subdivision applications, the subdivider must pay an application fee as shown below. As the number of lots increases, the cost goes up as well.

### FEE SCHEDULE

<b><u>Application/Permit</u></b>	<b><u>Fee</u></b>
<b>Major Subdivision Review</b>	
Preliminary Plat Review	
6 and more lots	\$900 and \$50 per lot
Final Plat Review	\$375 and \$5 per lot
<b>Minor Subdivision Review</b>	
Preliminary Plat Review	\$900
Final Plat Review	\$200 and \$5 per lot
<b>Subsequent Minors</b>	
Preliminary Plat Review	\$900
Final Plat Review	\$200 and \$5 per lot
<b>Expedited Minor Subdivision Review</b>	
Preliminary Plat Review	\$200
Final Plat Review	\$150
<b>Mobile Home Park, Recreational Vehicle Park, and Condominiums</b>	
1 to 5 units	\$450 and \$50 per unit
6 or more units	\$900 and \$50 per unit
Final Plat Review	\$150 and \$5 per unit
<b>Extension to Approved Preliminary Plat</b>	\$200
<b>Extension of Subdivision Review Period</b>	\$200
<b>Floodplain Analysis Waiver</b>	\$200
<b>Pre-Application Review</b>	\$250
<b>2<sup>nd</sup> &amp; Each Subsequent Planning Board Hearing</b>	\$450
<b>Subdivision Exemption Application</b>	\$200
<b>Variance</b>	\$400
<b>Other Departments (ie: Clerk &amp; Recorder, Environmental Health and the Road Department) that are involved in subdivision review have their own fee schedules.</b>	

## **Development Costs**

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Besides the application fees, there are a number of costs that a subdivider will incur as shown below. These should be factored into the project's financial feasibility.

- Consultant's fees
- Surveying fees
- Infrastructure development costs

The infrastructure development costs can include, but are not limited to:

- Roads
- Bridges
- Stormwater facilities
- Water and wastewater
- Utilities (telephone and electric)
- Road signs, petitions & addresses
- Fencing
- High fire hazard compliance
- Park requirements (for certain major subdivisions)

## **Variances**

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As discussed earlier, design and development standards have been adopted to help ensure proper development. However, there may be instances where the standards would cause a hardship or would cause unintended results. In these instances, it may be appropriate for the County to issue a variance from that standard. The Subdivision Regulations list the requirements and procedures for reviewing applications and under what conditions one may be granted.

## **For Further Information**

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For more information please refer to the Ravalli County Subdivision Regulations or contact the Planning Department staff at 406-375-6530.